

1 AN ACT relating to essential caregivers and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Community" means assisted-living community as defined in KRS
7 194A.700;

8 (b) "Facility" includes long-term care facilities as defined in KRS 216A.010
9 and residential long-term care facilities as defined in KRS 216.510; and

10 (c) "Mental hospital" means a state-owned or operated mental or psychiatric
11 hospital.

12 (2) Notwithstanding any state law to the contrary, the Cabinet for Health and Family
13 Services shall require a community, a facility, and a mental hospital to permit in-
14 person resident visitation by an essential compassionate care visitor, including a
15 family member, legal guardian, outside caregiver, friend, or volunteer who is
16 important to the mental, physical, or social well-being of the resident.

17 (3) The cabinet shall promulgate administrative regulations in accordance with KRS
18 Chapter 13A that:

19 (a) Establish procedures for a resident to designate an essential compassionate
20 care visitor;

21 (b) Exempt an essential compassionate care visitor from any prohibitions on
22 visiting a resident of a community, a facility, or a mental hospital other than
23 the requirements in this subsection;

24 (c) Require an essential compassionate care visitor to follow safety protocols of
25 the community, the facility, or the mental hospital;

26 (d) Permit a community, a facility, or a mental hospital to limit visitation of an
27 essential compassionate care visitor to one (1) location in the community,

1 the facility, or the mental hospital;

2 (e) Require an essential compassionate care visitor to assume a risk of
3 contracting communicable diseases, provided the community, the facility, or
4 the mental hospital is compliant with the Kentucky Department for Public
5 Health guidelines;

6 (f) Permit a community, a facility, or a mental hospital to require a written
7 visitation agreement with an essential compassionate care visitor; and

8 (g) Except as required by this section, do not require a community, a facility, or
9 a mental hospital to permit an in-person visitor at all times.

10 ➔Section 2. Whereas, the General Assembly recognizes that the mental, physical,
11 and social well-being of residents in long-term care facilities, assisted-living
12 communities, and mental hospitals is greatly enhanced by assistance from essential
13 compassionate care visitors, an emergency is declared to exist, and this Act takes effect
14 upon its passage and approval by the Governor or upon its otherwise becoming a law.